

REMARKS

I. General

The only issues outstanding in the instant application are as follows:

- Claims 26 and 29-33 stand finally rejected under 35 U.S.C. § 102(e) as anticipated by Baum et al., U.S. Pat. No. 5,867,478 (hereinafter *Baum*); and
- Claims 1-25 and 34-47 stand provisionally rejected for obviousness-type double patenting.

II. Rejection(s) under 35 U.S.C. § 102(e)

Applicant's proposed amendments cancels claims 26 and 29-33, which stand finally rejected under 35 U.S.C. § 102(e) as anticipated by *Baum*. Therefore, upon entry of the amendments, the rejection of claims 26 and 29-33 is moot.

III. Obviousness-type Double Patenting.

Claims 1-25 and 34-47 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 11, 12, 18-20, 24, 25 and 29 of co-pending U.S. Pat. Ap. Serial No. 09/837,337 (Patent Application Pub No. 2003/0169681). U.S. Pat. Ap. Serial No. 09/837,337 has been allowed, and the Issue Fee was paid on February 1, 2005. In response to the obviousness-type double patenting rejection, Applicant has included with this Amendment, a Terminal Disclaimer that is believed to be in compliance with 37 C.F.R. § 1.321(b). Therefore, Applicant respectfully submits that this rejection should be withdrawn.

IV. Conclusion

Applicant respectfully asserts that the above-advanced amendments should be entered as they only cancel claims and, in light of the Terminal Disclaimer presented herewith, place the present application in condition for allowance. Upon entry of the amendments Applicant respectfully solicits a timely Notice of Allowance.

Applicant believes no fee is due with this response beyond the terminal Disclaimer Fee dealt with in the accompanying transmittal(s). However, if an additional fee is due, please charge Deposit Account No. 06-2380, under Order No. 68144/P014CP1/10502151, from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can help in resolving any remaining issues or can otherwise be helpful in expediting allowance or issuance of the present application.

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Respectfully submitted,

By 

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